

Daniel A. Bernath, California Bar 116636  
ussyorktowncv10@yahoo.com  
 Mailing: 1319 Kingswood Ct., Ft Myers FL 33919  
 503 367 4204

Attorney for Plaintiffs and those similarly situated

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

<b>Lily Jeung, Amy Sayers, and Darren</b>	<b>No. CV14-06223 FMO (ASX)</b>
<b>Walchesky, on behalf of themselves )</b>	
<b>and all others similarly situated )</b>	<b>Plaintiffs' Note after signing</b>
	<b>Joint Statement</b>
	<b>-- Yelp's intentional delay of</b>
<b>Plaintiffs,</b>	<b>Court Ordered Mediation</b>
	<b>so as to report to Chief Judge</b>
	<b>tardy motion judge</b>
<b>vs.</b>	<b>)</b>
	<b>)</b>
<b>Yelp, Inc.</b>	<b>)</b>
	<b>)</b>
<b>Defendant.</b>	<b>)</b>

I am Daniel A. Bernath, attorney for plaintiffs and all others similarly situated. The Court ordered this matter to mediation. I requested a mediation as soon as possible. Yelp demanded mediation well into the summer in an apparent attempt to delay this matter as long as possible.

The mediator then stepped in and overruled Yelp's tactics and citing his mandate to conclude the mediation as soon as possible set it for April 14, 2015.

1     Thereafter, Yelp demanded that plaintiffs sign a joint statement that a matter under  
2     submission was taking too long and to serve this Notice on the Chief Judge of the  
3     Central District. Plaintiffs' attorney opposed this but stated that he would of course  
4     comply with any Court Rule. Plaintiffs' attorney then signed the joint statement and  
5     included a note as to Yelp's tactics of delaying the mediation so that it would fall  
6     OUTSIDE of the time set for deliberation on a submitted matter in an apparent attempt  
7     to sabotage the mediation.

8     **HERE ARE THE EMAILS WHICH I HAVE SENT AND HAVE RECEIVED. FIRST**  
9     **REGARDING SETTING UP OF THE MEDIATION DATE:**

- 10             • Sonia Patel  
11             •  
12             • Mar 10

13     To

- 14             • Adrianos Facchetti

15     CC

- 16             • me  
17             • Reagan Hyland

18     Thank you. Since there is not agreement to re-set, I will send notice for April 14th.

19  
20     Sent from my iPhone

21     On Mar 10, 2015, at 12:43 PM, Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)> wrote:

22     Dear Ms. Dalton:  
23

24     Defendant will not agree to re-set the matter. We will attend the mediation on April 14,  
25     as previously agreed to by all parties.

26  
27     Thanks.

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 On Mar 10, 2015, at 12:15 PM, Sonia Dalton <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)> wrote:

2 Counsel:

3 The mediation remains scheduled for April 14<sup>th</sup> unless both sides mutually agree to re-  
4 set the matter for April 9<sup>th</sup> or 10<sup>th</sup>.

5 Absent such agreement all counsel are expected to appear and participate as agreed on  
6 April 14<sup>th</sup>. Please let me know by end of day today.

7  
8 Thanks,

9 Sonia  
10

11 On Mon, Mar 9, 2015 at 12:18 PM, Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
12 wrote:

13 **I request that we move the mediation to any day, a week earlier than April**  
14 **14.**

15 As we have it now (and for no logical reason that I can discern) I will be on the west  
16 coast from Florida for the mediation and if it fails to produce results then I will take the  
17 deposition of the CEO and another executive in San Francisco immediately thereafter.

18 Then I must return to Florida and drive about 3 hours for a two day weekend seminar  
19 on that weekend.

20 If we could **move the mediation to the week earlier on any day in that earlier**  
21 **week** then I could do all these necessary things regarding this case, not touch the  
22 discovery cut- off date on this case and also make the two day seminar which I have  
23 previously booked and paid for estimated at about \$400.)

24 Respectfully,

25  
26 Daniel A. Bernath  
27 Attorney for Plaintiffs  
28

29 **From:** Sonia Dalton <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)>

30 **To:** Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>

31 **Cc:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>; Reagan Hyland

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 <reagan.facchettilaw@gmail.com>

2 **Sent:** Monday, March 9, 2015 2:41 PM

3  
4 **Subject:** Re: Jeung v. Yelp, Inc. Mediation

5 Centext Legal Services

6 2 Park Plaza

7 Suite 300

8 Irvine, CA 92614

9 On Mon, Mar 9, 2015 at 11:30 AM, Daniel Bernath <ussyorktowncv10@yahoo.com>  
10 wrote:

11 Hello, Can you give me the address in Irvine and the start time so I can conduct travel  
12 arrangements please. I will travel to San Francisco the day after the mediation for CEO  
13 deposition and want to make sure that we are in IRVINE for the mediation.

14 Respectfully,

15  
16 Daniel A. Bernath

17 Attorney for Plaintiffs

18  
19  
20 **From:** Sonia Patel <soniadalton327@gmail.com>

21 **To:** Daniel Bernath <ussyorktowncv10@yahoo.com>

22 **Cc:** Adrianos Facchetti <adrianos@facchettilaw.com>; Reagan Hyland  
23 <reagan.facchettilaw@gmail.com>

24 **Sent:** Friday, March 6, 2015 8:07 PM

25  
26 **Subject:** Re: Jeung v. Yelp, Inc. Mediation

27 I will send notice. The location will be in Irvine.

28 Thank you.

29  
30 Sent from my iPhone

31  
32 On Mar 6, 2015, at 2:51 PM, Daniel Bernath <ussyorktowncv10@yahoo.com> wrote:

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 Are you asking plaintiff to send Notice to all parties and file with Court?  
2 Plaintiffs wish to the mediation to take place at San Juan Capistrano. Unless instruct to  
3 do otherwise, we will set it at the mediators office starting at 9 am on April 14, 2015.

4 Daniel A. Bernath

5  
6 **From:** Sonia Dalton <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)>  
7 **To:** Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
8 **Cc:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>; Reagan Hyland  
9 <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>  
10 **Sent:** Friday, March 6, 2015 5:19 PM  
11 **Subject:** Re: Jeung v. Yelp, Inc. Mediation

12  
13 Counsel;

14 I am holding April 14th for this matter. Please send current case caption and proof of  
15 service.

16 Thank you,

17 Sonia

18  
19 On Fri, Mar 6, 2015 at 12:54 PM, Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
20 wrote:

21 Agreed by Plaintiffs April 14, 2015 it is

22 Daniel A. Bernath

23 Attorney for Plaintiffs

24  
25  
26 **From:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>  
27 **To:** [robert@coviellomediation.com](mailto:robert@coviellomediation.com)  
28 **Cc:** Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>; Sonia Patel  
29 <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)>; Sonia Dalton <[sonia@coviellomediation.com](mailto:sonia@coviellomediation.com)>; Reagan  
30 Hyland <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>  
31 **Sent:** Friday, March 6, 2015 3:46 PM



1  
2 **Subject:** Re: Jeung v. Yelp, Inc. Mediation

3 I have spoken to my client and April 14 works well for us.

4  
5 On Mar 6, 2015, at 11:41 AM, <[robert@coviellomediation.com](mailto:robert@coviellomediation.com)>  
6 <[robert@coviellomediation.com](mailto:robert@coviellomediation.com)> wrote:  
7 Counsel,

8 I cannot compel either side to mutually agree upon a date certain to conduct the  
9 mediation session.

10 However consistent with the courts General Order #11-10, Section 8.2 – “**The**  
11 **mediator shall strive to schedule the mediation for the earliest possible date**  
12 **after the parties have had reasonable time to evaluate their case, thus**  
13 **minimizing the expense of litigation.” (emphasis by mediator)**

14 I therefore find no justifiable reason why the mediation session cannot be scheduled  
15 within the next 45 days.

16 Thus I am requesting that counsel meet and confer in good faith to select one of the  
17 following dates for the mediation session:

- 18 · **March 26 or 31;**  
19 · **April 2, 6, 8, 9 or 14<sup>th</sup>.**

20 In the event you cannot agree upon a date certain for the mediation session by the end  
21 of business on Tuesday March 10<sup>th</sup>, I will be compelled to withdraw my consent to  
22 mediate this matter and will so notify the court.

23 If the six dates listed above do not work due to bone fide calendar conflicts I may be able  
24 to provide additional open dates however none later than April 14<sup>th</sup>.

25  
26 Have a good week end.

27  
28 Robert Coviello  
29

**Coviello Mediation Services**  
**31815 Camino Capistrano (949) 429-7500**  
**Suite 19 (949) 429-7505 (fax)**  
**San Juan Capistrano, Ca. 92675**

**www.coviellomediation.com**

**From:** Daniel Bernath [<mailto:ussyorktowncv10@yahoo.com>]

**Sent:** Thursday, March 5, 2015 10:39 AM

**To:** Adrianos Facchetti; [robert@coviellomediation.com](mailto:robert@coviellomediation.com)

**Cc:** Sonia Patel; Sonia Dalton; Reagan Hyland

**Subject:** Re: Jeung v. Yelp, Inc. Mediation

Adrianos Facchetti  
Attorney at Law  
301 E. Colorado Blvd., Suite 514  
Pasadena, CA 91101  
Tel: (626) 793-8607  
Fax: (626) 793-7293

Blog: California Defamation Law

- Adrianos Facchetti
- 
- Mar 6

To

- [robert@coviellomediation.com](mailto:robert@coviellomediation.com)

CC

- me
- Sonia Patel
- Sonia Dalton
- Reagan Hyland

I have spoken to my client and April 14 works well for us.

On Mar 6, 2015, at 11:41 AM, <[robert@coviellomediation.com](mailto:robert@coviellomediation.com)>  
<[robert@coviellomediation.com](mailto:robert@coviellomediation.com)> wrote:

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

Counsel,

I cannot compel either side to mutually agree upon a date certain to conduct the mediation session.

However consistent with the courts General Order #11-10, Section 8.2 – “**The mediator shall strive to schedule the mediation for the earliest possible date after the parties have had reasonable time to evaluate their case, thus minimizing the expense of litigation.**”

I therefore find no justifiable reason why the mediation session cannot be scheduled within the next 45 days.

Thus I am requesting that counsel meet and confer in good faith to select one of the following dates for the mediation session:

- **March 26 or 31;**
- **April 2, 6, 8, 9 or 14<sup>th</sup>.**

In the event you cannot agree upon a date certain for the mediation session by the end of business on Tuesday March 10<sup>th</sup>, I will be compelled to withdraw my consent to mediate this matter and will so notify the court.

If the six dates listed above do not work due to bone fide calendar conflicts I may be able to provide additional open dates however none later than April 14<sup>th</sup>.

Have a good week end.

Robert Coviello

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**Suite 19 (949) 429-7505 (fax)**  
**San Juan Capistrano, Ca. 92675**

**[www.coviellomediation.com](http://www.coviellomediation.com)**

**From:** Daniel Bernath [<mailto:ussyorktowncvs10@yahoo.com>]

**Sent:** Thursday, March 5, 2015 10:39 AM

**To:** Adrianos Facchetti; [robert@coviellomediation.com](mailto:robert@coviellomediation.com)

**Cc:** Sonia Patel; Sonia Dalton; Reagan Hyland

**Subject:** Re: Jeung v. Yelp, Inc. Mediation

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**



When is the discovery cut-off ? **(fact discovery cut-off is 6/9/15)**

Thank you Mr. Facchetti:

**We need to conclude this perhaps dispositive one day mediation within the next 3 weeks.** Otherwise, it will be impossible to propound discovery such as interrogatories, demands for production and the depositions of the CEO and others at defendant corporation.

Again, Yelp, Inc. is well aware of the issues and facts in this case and are ready for a well prepared mediation as they have been sued by these plaintiffs on these facts over a year ago in Dr. Panzer, Jeung, et al., v. Yelp, Inc.

Daniel A. Bernath, Attorney for Plaintiffs

**From:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>

**To:** [robert@coviellomediation.com](mailto:robert@coviellomediation.com)

**Cc:** Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>; Sonia Patel <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)>; Sonia Dalton <[sonia@coviellomediation.com](mailto:sonia@coviellomediation.com)>; Reagan Hyland <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>

**Sent:** Thursday, March 5, 2015 1:26 PM

**Subject:** Re: Jeung v. Yelp, Inc. Mediation

Answers are in red below:

On Mar 5, 2015, at 7:55 AM, <[robert@coviellomediation.com](mailto:robert@coviellomediation.com)>  
<[robert@coviellomediation.com](mailto:robert@coviellomediation.com)> wrote:

Counsel,

- When was the matter initially assigned/ordered to mediation ? **(12/8/14)**
- Did the court provide a mediation conclusion deadline date ? **Yes (6/9/15)**
- When is the discovery cut-off ? **(fact discovery cut-off is 6/9/15)**

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

• How long has the court had the referenced motions under submission ? **The Motion to transfer to the Northern District pursuant to a forum selection clause (which is very likely to be granted) has been under submission since 12/8/14, the MTD 12b6/f has been under submission since 12/15/14, and the anti-SLAPP motion has been under submission since 1/20/15. The MTD and anti-SLAPP motions are potentially dispositive as to all claims in this matter.**

Robert D. Coviello

**Coviello Mediation Services**  
**31815 Camino Capistrano (949) 429-7500**  
**Suite 19 (949) 429-7505 (fax)**  
**San Juan Capistrano, Ca. 92675**

**[www.coviellomediation.com](http://www.coviellomediation.com)**

**From:** Daniel Bernath [<mailto:ussyorktowncv10@yahoo.com>]  
**Sent:** Thursday, March 5, 2015 4:01 AM  
**To:** Adrianos Facchetti; [robert@coviellomediation.com](mailto:robert@coviellomediation.com); Sonia Patel; Sonia Dalton  
**Cc:** Reagan Hyland  
**Subject:** Re: Jeung v. Yelp, Inc. Mediation

There is a discovery deadline and the Court has ordered mediation so that it will not have to wade through the frivolous motions of defendant.

This one day mediation can be conducted, not "early" but timely. Please set it within the next 3 weeks as the only reason to do otherwise is to deny plaintiffs discovery and to delay this proceedings for only tactical reasons.

Daniel A. Bernath

Attorney for Plaintiffs

---

**From:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>  
**To:** [robert@coviellomediation.com](mailto:robert@coviellomediation.com); Sonia Patel <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)>; Sonia Dalton <[sonia@coviellomediation.com](mailto:sonia@coviellomediation.com)>; Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
**Cc:** Reagan Hyland <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 **Sent:** Wednesday, March 4, 2015 11:12 PM

2 **Subject:** Re: Jeung v. Yelp, Inc. Mediation

3  
4 Dear Mr. Coviello:

5 **Defendant does not and will not agree to an early mediation.** There are three  
6 potentially dispositive motions currently under submission with the court (including an  
7 anti-SLAPP motion and a motion to transfer the case). And no discovery has been  
8 conducted. There is no reason to expedite the mediation, other than Plaintiffs' apparent  
9 desire to wait to conduct discovery.

10 Given that all parties and the mediator are available June 1, 2015, I suggest that we  
11 calendar it for that date without delay.

12 Thanks.

13  
14 Adrianos Facchetti  
15 Attorney at Law  
16 301 E. Colorado Blvd., Suite 514  
17 Pasadena, CA 91101  
18 Tel: (626) 793-8607  
19 Fax: (626) 793-7293

20 Blog: [California Defamation Law](#)

21  
22 On Mar 4, 2015, at 2:35 PM, Daniel Bernath <[ussyorktowncvs10@yahoo.com](mailto:ussyorktowncvs10@yahoo.com)> wrote:

23  
24 As Plaintiffs have previously indicated there is no reason to delay this one day event and much to  
25 cut against any delay. We have much discovery to conduct including depositions in San Francisco  
26 and San Fernando Valley if this mediation does not produce results.

27 Therefore, **plaintiffs request that this be conducted within the next 3 to 4 weeks.**

28 **Again, there is no reason for delay-except to delay-this one day event.**

29 Daniel A. Bernath  
30 Attorney for Plaintiffs

31  
32  
**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 **From:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>  
2 **To:** Sonia Patel <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)>  
3 **Cc:** Sonia Dalton <[sonia@coviellomediation.com](mailto:sonia@coviellomediation.com)>; Reagan Hyland <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>;  
4 Dan <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
5 **Sent:** Wednesday, March 4, 2015 5:03 PM  
6 **Subject:** Re: Jeung v. Yelp, Inc. Mediation

7  
8 As previously indicated, June 1 is acceptable to Defendant for mediation of this matter.  
9 Thanks.

10 On Mar 4, 2015, at 12:03 PM, Sonia Patel <[soniadalton327@gmail.com](mailto:soniadalton327@gmail.com)> wrote:

11  
12 Mr. Coviello is available on June 1, as well.

13  
14 Sent from my iPhone

15  
16 On Mar 4, 2015, at 11:02 AM, Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)> wrote:

17 June 1, 2015 works for defendant.

18  
19  
20 On Mar 3, 2015, at 7:41 PM, Dan <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)> wrote:

21  
22 **Plaintiffs have no restrictions. Daniel a Bernath, Esq.**

23  
24  
25  
26 Sent from my iPad

27  
28 On Mar 3, 2015, at 8:41 PM, Sonia Dalton <[sonia@coviellomediation.com](mailto:sonia@coviellomediation.com)> wrote:

29 Counsel,

30 Please advise what timeframe we are looking at.

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 Thank you,

2 Sonia

3  
4 On Tue, Mar 3, 2015 at 10:55 AM, Adrianos  
5 Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)> wrote:

6 Mr. Coviello:

7  
8 I represent the defendant Yelp Inc. in the above-mentioned matter. We are fine with the  
9 rate quoted below to be divided equally between the parties. We will file the ADR  
10 Stipulation with the Court shortly.

11  
12 Thanks.

13  
14  
15  
16 Adrianos Facchetti  
17 Attorney at Law  
18 301 E. Colorado Blvd., Suite 514  
19 Pasadena, CA 91101  
20 Tel: (626) 793-8607  
21 Fax: (626) 793-7293

22 Blog: [California Defamation Law](#)

23 \*\*\*NOTICE\*\*\*

24 This e-mail message is confidential, is intended only for the named recipient(s) above, and may contain information  
25 that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this  
26 message in error, or are not a named recipient(s), you are hereby notified that any dissemination, distribution or  
27 copying of this e-mail is strictly prohibited. If you have received this message in error, please immediately notify the  
28 sender by return e-mail and delete this e-mail message from your computer. Thank you.

29  
30  
31  
32 On Mar 2, 2015, at 5:39 PM, <[robert@coviellomediatio.com](mailto:robert@coviellomediatio.com)>  
33 <[robert@coviellomediatio.com](mailto:robert@coviellomediatio.com)> wrote:

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**



Rate sheet is attached. ½ day rate is \$3,500. A \$125 administrative fee per side is applied unless the parties arrange for the mediation site.

Otherwise I use facilities in various SO Cal locations.

**Coviello Mediation Services**  
**31815 Camino Capistrano (949) 429-7500**  
**Suite 19 (949) 429-7505 (fax)**  
**San Juan Capistrano, Ca. 92675**  
  
**www.coviellomediation.com**

**From:** Daniel Bernath [mailto:ussyorktowncv10@yahoo.com]  
**Sent:** Monday, March 2, 2015 5:20 PM  
**To:** robert@coviellomediation.com; 'Adrianos Facchetti'  
**Cc:** Sonia Dalton  
**Subject:** Re: Jeung v. Yelp, Inc. Mediation

This is acceptable to Plaintiffs. I haven't seen what the fees for plaintiffs would be for a full day at 1/2 price.

Daniel A. Bernath, Esq.

---

**From:** "robert@coviellomediation.com" <robert@coviellomediation.com>  
**To:** 'Daniel Bernath' <ussyorktowncv10@yahoo.com>; 'Adrianos Facchetti' <adrianos@facchettilaw.com>  
**Cc:** Sonia Dalton <sonia@coviellomediation.com>  
**Sent:** Monday, March 2, 2015 7:40 PM  
**Subject:** RE: Jeung v. Yelp, Inc. Mediation

Mr. Bernath,

Thank you for the inquiry. As a general rule I do not accept Representative and/or Class Action matters from the Federal Mediation Panel in light of my experience that such cases

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 cannot be reasonably discussed and negotiated in the normal 3 hour time allotted under the  
2 program.

3 If the parties however would like to schedule a full day session I will only bill my ½ day standard  
4 rate. This assures that sufficient time will be reserved for the matter yet provides a financial  
5 discount to the parties consistent with the Federal Court's program.

6 If this is acceptable to all counsel please let me know and my case manager will follow up with  
7 you and provide further information.

8 Regards,

9 Bob Coviello

10  
11 Adrianos Facchetti  
12 Attorney at Law  
13 301 E. Colorado Blvd., Suite 514  
14

15 Blog: [California Defamation Law](#)

16 **COMMUNICATIONS REGARDING PLAINTIFFS' COUNSEL SIGNING OF JOINT**  
17 **STATEMENT**

Re: Jeung, et al. v Yelp - JOINT  
REQUEST

From: Adrianos Facchetti  
(adrianos@facchettilaw.com)  
To: ussyorktowncv10@yahoo.com;  
Cc: reagan.facchettilaw@gmail.com;  
Date: Wednesday, April 1, 2015 1:01 PM

18  
19 **No. We will *not* file a document containing your proposed language.**  
20 Therefore, we will file our own request for decision on behalf of Yelp only. It will *not*  
21 contain your signature. If you wish to file a separate document, that of course is your  
22 prerogative.  
23  
24  
25

On Apr 1, 2015, at 9:47 AM, Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)> wrote:

**Do not put in any electronic signature of Plaintiffs' legal counsel. Scan what I have signed and enter that into Pacer filing system for the Court.**

Their counsel is signing under protest and above plaintiffs' counsel's name is this statement (on its way to you by a courier of an agency of the United States government).

**"Plaintiffs object to Yelp's misconduct. Yelp insisted that mediation be delayed as long as possible so as to trigger this unnecessary "Notice". Yelp attorney Schurr has not signed this staged Notice."**

---

**From:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>  
**To:** Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
**Cc:** Reagan Hyland <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>  
**Sent:** Wednesday, April 1, 2015 12:34 PM  
**Subject:** Re: Jeung, et al. v Yelp - JOINT REQUEST

Thank you, but no physical signature is required. Nor does Mr. Schur need to sign the document since both he and I represent Yelp (the same client), and I am signing it on behalf of Yelp. So, just as you and I did with the Joint Conference Statement, if we include our electronic signatures at the end of the document, that should be sufficient to comply with the rules.

Do I have your consent to file the document?

Let me know.

Thanks.

On Apr 1, 2015, at 4:52 AM, Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)> wrote:

Signature page in the mail

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

1 **From:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>  
2 **To:** Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
3 **Cc:** Reagan Hyland <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>  
4 **Sent:** Tuesday, March 31, 2015 5:34 PM  
5 **Subject:** Re: Jeung, et al. v Yelp - JOINT REQUEST

6  
7 Mr. Bernath:

8 Unfortunately, your suggestion to wait to "discuss" this at the mediation on April 14 is  
9 not compatible with the local rules mentioned below, which *mandate* filing a request for  
10 decision no later than April 6.

11 Therefore, as the local rules require, we will file a request for decision regarding the  
12 motion to transfer on behalf of Yelp only on April 3, unless you advise us that you would  
13 like to join us in this filing.

14 Thanks.

15 Adrianos Facchetti  
16 Attorney at Law  
17 301 E. Colorado Blvd., Suite 514  
18 Pasadena, CA 91101  
19 Tel: (626) 793-8607  
20 Fax: (626) 793-7293

21 Blog: [California Defamation Law](#)

22 On Mar 31, 2015, at 11:31 AM, **Daniel Bernath** <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)> wrote:

23  
24 **I comply with all rules and laws.**

25 Thank you. We can discuss this when we meet.  
26  
27

28 **From:** Adrianos Facchetti <[adrianos@facchettilaw.com](mailto:adrianos@facchettilaw.com)>  
29 **To:** Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)>  
30 **Cc:** Reagan Hyland <[reagan.facchettilaw@gmail.com](mailto:reagan.facchettilaw@gmail.com)>  
31 **Sent:** Tuesday, March 31, 2015 2:29 PM  
32 **Subject:** Re: Jeung, et al. v Yelp - JOINT REQUEST

33 Mr. Bernath:

34 For your convenience, I have attached a link to the Court's Local Rules, which we are  
35 bound to follow. Please let me know if you will sign the document so we can comply  
36 with the rules.

**PLAINTIFFS' Statement regarding Notice of tardy submitted matter to Chief Judge Central**

<http://www.cacd.uscourts.gov/sites/default/files/documents/LRs-Effective-2014-June-1-Chapter-1.pdf>

Thanks.

On Mar 31, 2015, at 10:28 AM, Daniel Bernath <[ussyorktowncv10@yahoo.com](mailto:ussyorktowncv10@yahoo.com)> wrote:

I will have to analyses this but **the Court is fully aware of all of your motions and then sent it to mediation.**

If you or your client tries to disrupt the mediation, already hired mediator, paid for, plane tickets and hotel booked, etc., then I shall of course have to consider my options under Rule 11.

I swear under penalty of perjury that the foregoing is true and correct and that this declaration is of my own personal knowledge and was made at Ft Myers Florida on April 1, 2015. *Daniel A. Bernath*